IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 9146 of 2005

Between:

G.L.Raju, S/o. Sangaiah,
Kamareddy, Nazamabad District.

..... PETITIONER

AND

1 Northern Power Distribution Co. Ltd., rep. by its Chairman and

Manging Director, Khairatabad, Hyderabad.
2 Northern Power Distribution Co. Ltd., rep. by its Chief General

Manager (HRD), Warangal.
3 Superintendent Engineer, Operation Circle, Andhra Pradesh,
Northern Power Distribution Company Limited, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction especially one in the nature of mandamus by declaring the action of the respondents rejecting the case of the petitioner in its letter dated 31-12-2004 though he is fully eligible as improper, illegal, arbitrary, and contrary to the judgment of this Hon'ble Court in WP No.5158/03 and batch and consequently direct the respondents to reconsider petitioners case for the appointment for the post of LDC or any other equivalent post as per the BPMS No.36 dated 18-5-97 by considering petitioner's service certificate and set aside the Lt.No.CGM(HRD)/GM(S)/AS-11/PO-IV/483/04 dated 31-12-2004.

Counsel for the Petitioner: SMT.A.PANKAJA

Counsel for the Respondents: MR.KISHORE SAMINENI (SC FOR AP

TRANSCO)

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order dated 31-12-2004 under which the claim of the petitioner for being appointed in terms of B.P.Ms.No.36 dated 18-05-1997 was rejected.

2 . According to the petitioner, he worked as a contract labour for the respondent-Company from June 1995 to 1998 under a contractor to attend the work of erection of 11 KV lines, 33/11 KV lines, poles erection and link line works and sub-station works. It is stated that as per the policy of the respondent, proceedings were issued in B.P.Ms.No.36 for absorption of the contract labour working under various contractors executing the works with the respondent-Company.

3 . As the petitioner's claim was not considered properly and rejected, the petitioner had approached this Court, and as per the directions of this Court, the respondents passed the impugned order. It is stated that the second respondent, while considering the case of the petitioner in the light of the direction, did not apply his mind to the factual aspects of the documents available with the respondents and rejected on a routine manner. It is stated that as per the observations of the second respondent, the certificate produced by the petitioner does not contain any reference to the agreements executed in the year 1997. Therefore, the second respondent concluded that the petitioner was not on the rolls as on 18-05-1997. But according to the petitioner, the service certificate produced by the petitioner which was issued by one NVL Narsimha Rao, Contractor, clearly refers to the agreements with reference to which work was executed by the contractor and with reference to which agreements the petitioner worked under him. Therefore, he sought to set aside the impugned order.

4. The learned standing counsel, however, sought to contend that the petitioner was not on the rolls as on 18-05-1997. Therefore, he is not entitled for the benefit of the B.P.Ms.No.36 dated 18-05-1987 and therefore, there is no merit warranting interference of this Court.

5. Heard both sides and considered the material on record.

6. A perusal of the impugned order shows that the following is the relevant part of consideration by the second respondent.

> "It is to inform that the certificate submitted by the petitioner issued by NVL Narasimha Rao has been verified and it is found that there was no reference to the agreements executed in the year 1997 and hence, it is concluded that the petitioner was not on the rolls as on 18-05-1997. Besides, there was no check measurement."

From the above, it is clear that according to the second respondent the service certificate produced by the petitioner did not contain the agreement numbers showing that work was executed in the year 1997. Therefore, concluded that the petitioner was not on the rolls as on 18-05-1997. But a perusal of the certificate clearly shows that there is reference to four agreements of which K2 agreement Nos.72/96-97, 70/97-98, relates to the period of 1997. Therefore, it is not open to the second respondent to say that there is no reference to the agreements relating to the year 1997. The said finding recorded by the second respondent is clearly without applying his mind to the documents that are available with reference to the petitioner's claim.

7. Under the above circumstances, the impugned order is set aside and the second respondent is directed to apply his mind to the material placed before him and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is allowed. No order as to costs.

S.ANANDA REDDY, J

08th July, 2005

NOTE:

-

Furnish C.C. within one week.

B/o.

SKM
To

1 The Chairman and Managing Director, Northern Power Distribution

Co. Ltd., Khairatabad, Hyderabad.
2 The Chief General Manager (HRD),Northern Power Distribution Co.

Ltd., Warangal.
3 The Superintendent Engineer, Operation Circle, Andhra Pradesh,
Northern Power Distribution Company Limited, Nizamabad.

4 Two CD Copies.